REMARKS

Claims 1-3, 12, 13, 15 and 16 are pending in the application and stand rejected.

Rejection under 35 U.S.C §101

Claims 13 and 15 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter because the claimed invention allegedly does not recite a tangible medium to store program code. Solely in the interest of passing this case to issue, Applicants have canceled claims 13 and 15 without prejudice and expressly reserving the right to present these and other claims in future related applications.

Rejection under 35 U.S.C §103

Claims 1-3, 12, 13, 15 and 16 stand rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 7,206,844 to Gupta in view of U.S. Pat. No. 6,854,016 to Kraenzel et al. Applicants respectfully disagree.

For instance, the Examiner asserts that Gupta teaches " arranging a confined run time environment which is assigned a second communication port and socket (Figure 3 reference 320, Figure 4A and 48 reference 408, 418, 428, column 6 lines 48-67, column 10 lines 32-53, column 10 line 66 - column 11 line 28, column 17 line 41 - column 18 line 13, wherein a webtop server can establish proxy services to satisfy a sandbox security scheme) and provided with restricted access to at least one profile file; (column 7 lines 16-28, column 12 line 45 - column 13 line 32, wherein a client profile is stored in a local webtop server connected to a client that is accessed by the webtop server)." This is not an accurate interpretation of Gupta. It is important to understand the fundamental precept of Gupta: a client machine (302) requests an application program from a webtop server (308), the webtop server downloads the requested application from an application server (310) and stores the application, and allows the application (e.g. Java applets) to execute on the client machine. "Where the program software is written as Java applets, webtop server 308 becomes the applet-host once the applets are transferred from application server 310. Thus,

when the applet is executed on the client, the applet can communicate back to webtop server 308 as the host of that applet thereby satisfying the sandbox security paradigm." (col. 11 ll. 6-11).

Thus, the applet of Gupta executes on the client, but is controlled by (and stored on) the webtop server. It is the webtop server that provides the equivalent of a confined runtime environment, not the client machine. Alternatively, such a confined runtime environment may be provided by the application server, but again not by or on the client machine: "A service may, for example, process secure information and must therefore be executed in a secure environment such as application server 310. The service's proxy forwards the client's request to the service that is running on application server 310." (col. 17 ll. 43-45). Regardless, it is clear that Gupta discloses a method that requires at least two, or sometimes three, separate computers to execute a process in a secure manner - which is not the same as or anticipatory of the claimed method for executing on a user's computer. Gupta makes it clear that his method is not a typical sandbox because "The sandbox approach has clear disadvantages..." (col. 5 ll. 8-31).

Furthermore, there is nothing in Gupta that even mentions the opening of communications ports and sockets, and certainly not the claimed confined run time environment assigned a second communication port and socket.

There is also nothing in Gupta that would lead one to understand that the webtop server has restricted access to the user's profile, and Applicants respectfully request the Examiner to indicate precisely where this claim limitation is explicitly disclosed by Gupta, in accordance with 37 C.F.R. 1.104(c)2.

The Examiner further contends that Gupta teaches the claimed "executing said service within said confined run time environment whereby said service is given restricted access to said at least one profile file." (column 16 lines 9-19, column 17 lines 61 - 14, wherein a webtop server installs application software and passes data onto client)." This statement is incorrect. The webtop server of Gupta does not install application software, and it does not pass data onto to the client machine. The webtop server *stores* the application software, and *passes the software* to the client for execution thereon. Furthermore, and very importantly, there is no teaching that the application programs that the webtop server allows to execute on the client machines have access to the user profiles that are stored on the webtop server. Gupta is very explicit that it is only local

services that execute on the webtop server itself that have access to the user profiles stored on the webtop server - such as for instance login service 514C. There is absolutely no mention by Gupta of allowing an application executing on a client machine to access a user profile stored on a webtop server, and once again Applicant respectfully requests the Examiner to clearly and specifically point out where Gupta discloses this feature in accordance with 37 C.F.R. 1.104(c)2, should he insist upon this point of view.

The Examiner further acknowledges that "Gupta does not teach profile file that is located on the user's computer" but finds that "Kraenzel teaches profile file that is located on the user's computer" and opines that "It would have been obvious at the time of the invention for one of ordinary skill in the art to combine Gupta's method of establishing a webtop server connected to a client to execute downloadable services based on profile information with Kraenzel's method of storing profile information on a client computer. This gives the user the benefit of making the process of transferring and executing downloaded files more secure, since client information resides on the client, and allows for customizability based on profile information on the client." Applicants respectfully submit that this is application of hindsight at its fullest, because Gupta in fact teaches very explicitly that user profiles are stored on the webtop server, and thus the Examiner's alleged motivation flies in the face of the teachings of the references themselves. Furthermore, one of the goals of Gupta is to conserve resources by allowing sharing of services in the network, and for this the webtop server clearly needs full access to each client or user profile, and moving the user profiles in Gupta from the webtop servers to each individual client machine would render the system of Gupta unsuitable for its intended purpose.

In view of the above, Applicants submit that Gupta and Kraenzel and the presently claimed inventions are patentably distinct and respectfully request the Examiner to kindly reconsider and pass claims 1 and 16 to issue.

Claims 2, 3 and 12 depend from claim 1. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, in light of the above discussion of claim 1, Applicants submit that claims 2, 3 and 12 are also allowable at least by virtue of their dependencies.

Regarding the prior art made of record by the Examiner but not relied upon, Applicants believe that this art does not render the pending claims unpatentable.

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

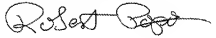
* * *

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

I hereby certify that this document is being transmitted to the Patent and Trademark Office via electronic filing.

May 5, 2008
(Date of Transmission)

Respectfully submitted,



Robert Popa
Attorney for Applicants
Reg. No. 43,010
LADAS & PARRY
5670 Wilshire Boulevard, Suite 2100
Los Angeles, California 90036
(323) 934-2300 voice
(323) 934-0202 facsimile
rpopa@la.ladas.com